**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Paul J. Coleman, et al.

Serial No. 10/568,000

Filed: February 10, 2006

For: MITOTIC KINESIN INHIBITORS

Art Unit: To be determinedExaminer: To be determined

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.By 

Date

7/25/06

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| RELATED APPLICATION | | |
|---------------------|-------------|------------|
| U. S. SERIAL NUMBER | FILING DATE | MERCK CASE |
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If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: David A. Muthard

Attorney _____ For Applicant(s)

Reg. No. 35,297

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-3903

Date: July 25, 2006



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul J. Coleman, et al.

Serial No.: 10/568,000 Case No.: 21485YP

Filed: February 10, 2006

For: MITOTIC KINESIN INHIBITORS

Art Unit:
To be determined

Examiner:
To be determined

Mail Stop: Amendment
Commissioner of Patents
PO Box 1450
Alexandria, Virginia 22313-1450

EXPLANATION OF RELEVANCE OF NON-ENGLISH DOCUMENTS UNDER 37
C.F.R. 1.98(a)(3)(i)

Sir:

Applicants respectfully note that two (2) of the documents listed on the USPTO 1449 form submitted herewith are not in the English language and a copy of an English translation of those documents are not within the possession, custody or control of Applicants, and, to the Applicants knowledge, are not readily available. Below is a concise explanation of the relevance of those non-English documents:

The French scientific publication by O. Yebdri and F. Texier (*Bull. Soc. Chim. Fr.*) discloses preparation of a series of 2,3-dihydro-4-phenyl pyrrole compounds having nitrile and ester disubstitution on the 3-position. The Yebdri publication also describes saponification of the ester to provide the corresponding 2,5-dihydropyrrole compound (see for instance compound 19). There is no disclosure in the Yebdri publication of a pharmaceutical use for the compounds disclosed therein.

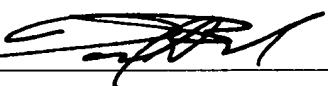
The French scientific publication by A. Ranjon (*Bull. Soc. Chim. Fr.*) discloses photooxidation reactions of polyphenyl imidazole and polyphenyl pyrrole compounds in which 2,5-endoperoxide derivatives are transient intermediates. The Ranjon publication also describes dihydroxypyrrole intermediates in such reactions (see for instance compound 29). There is no disclosure in the Ranjon publication of a pharmaceutical use for the compounds disclosed therein.

The instant invention discloses certain substituted 2,4-diaryl-2,5-dihydropyrroles that are inhibitors of the mitotic kinesin KSP and are useful in the treatment of cancer.

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450, ON THE DATE APPEARING BELOW.

MERCK & CO., INC.

By:  DATE: 7/25/06

Date: July 25, 2006

Respectfully submitted,


By: _____

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(732) 594-3903

COMPLETE IF KNOWN

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|-------------------------------|-------------------|
| Application Number | 10/568,000 |
| Filing Date | February 10, 2006 |
| First Named Inventor | Paul J. Coleman |
| Group Art Unit | To be determined |
| Examiner Name | To be determined |
| Attorney Docket Number | 21485YP |

1 of 3

Attorney Docket Number 21485YP

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| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-------------|-------------------------|----------------|----------------------------|--|--|
| Examiner Initials* | Cite No. | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
| | | Office | Number | Kind Code (if known) | | |
| | | PCT | WO 93/20099 | | Yamanouchi Pharm. Co., Ltd. | 10/14/1993 |
| | | PCT | WO 98/06694 | | The DuPont Merck Pharm. Co. | 02/19/1998 |
| | | PCT | WO 03/049527 | | Merck & Co., Inc. | 06/19/2003 |
| | | PCT | WO 03/105855 | | Merck & Co., Inc. | 12/24/2003 |
| | | PCT | WO 2004/037171 | | Merck & Co., Inc. | 05/06/2004 |
| | | PCT | WO 03/106417 | | Merck & Co., Inc. | 12/24/2003 |
| | | PCT | WO 2005/019206 | | Merck & Co., Inc. | 03/03/2005 |
| | | PCT | WO 2005/019205 | | Merck & Co., Inc. | 03/03/2005 |
| | | EPO | EP 0 418 845 | | Fujisawa Pharmaceutical Co., Ltd. | 08/09/1995 |
| | | | | | | |

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449B/PTO

INFORMATION DISCLOSURE

STATEMENT BY APPLICANT

(use as many sheets as necessary)

COMPLETE IF KNOWN

| | |
|------------------------|-------------------|
| Application Number | 10/568,000 |
| Filing Date | February 10, 2006 |
| First Named Inventor | Paul J. Coleman |
| Group Art Unit | To be determined |
| Examiner Name | To be determined |
| Attorney Docket Number | 21485YP |

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of

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NON PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No. | Include name of the author, title, date, page(s), volume-issue number(s) and place of publication. |
|--------------------|----------|--|
| | | C. Sonesson, et al., J. Org. Chem. 1996, Vol. 61, pg. 4756-4763 |
| | | N. Iwasawa, et al., J. Org. Chem. 1998, Vol. 63, pg. 3164-3165 |
| | | N. Iwasawa, et al., J. Org. Chem. 1997, Vol. 62, pg. 1918-1919 |
| | | R. Mison, et al., J. Chem. Research(S), 1989, 126-127 |
| | | O. Yebdri, et al., Bulletin De La Societe Chimique de France, 1983, pg. 195-201 |
| | | A. Ranjon, Bulletin De La Societe Chimique de France, 1971, pg. 2068-2072 |
| | | M. Bujard, et al., Tetrahedron Letters, Vol. 40, 1999, pg. 8785-8788 |
| | | M. Carpes, et al., Synlett, No. 7, 2000, pg. 1037-1039 |
| | | A. Boukhari, et al., J. Cryst. Spect. Res., Vol. 19, Iss. 3, 1989, pg. 603-621 |
| | | C. Cox, et al., Bioorganic & Medicinal Chem Ltrs. Vol. 15, pgs. 2041-2045 (2005) |
| | | W. Tao, Cell Cycle, Vol. 4(11), pgs. 1495-1499 (2005) |
| | | K. D. Chu, et al., Proc. Am. Soc. Clin. Oncol., abstract 525, pg. 131 (2003) |
| | | R. Sakowicz, et al., Cancer Research, Vol. 64, pgs. 3276-3280 (2004) |
| | | W. Tao, et al., Cancer Cell, Vol. 8, pgs. 49-59 (2005) |
| | | M. Fraley, et al., Bioorganic & Medicinal Chem Ltrs., Vol. 16, pgs. 1775-1779 (2006) |

Examiner Signature

Date Considered

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STATEMENT BY APPLICANT

(use as many sheets as necessary)

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of

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Application Number

10/568,000

Filing Date

February 10, 2006

First Named Inventor

Paul J. Coleman

Group Art Unit

To be determined

Examiner Name

To be determined

Attorney Docket Number

21485YP

NON PATENT LITERATURE DOCUMENTS

Examiner
Initials*Cite
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

R. Garbaccio, et al., Bioorganic & Medicinal Chem Ltrs., Vol. 16, pgs. 1780-1783 (2006)

C. Cox, et al., Bioorganic & Medicinal Chem Ltrs., Vol. 16, pgs. 3175-3179 (2006)

**Examiner
Signature**

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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